

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

**IN THE MATTER OF THE CLAIM OF**

SAMUEL VENABLE MASON,  
CORIBEL ESTES MASON,  
THOMAS MOORMAN ELDRIDGE, SR.,  
and  
THE CITIZENS AND SOUTHERN NATIONAL  
BANK, TRUSTEE UNDER THE WILL OF  
LEILA VENABLE MASON ELDRIDGE, DECEASED

Claim No. CU-3638  
Claim No. CU-3646  
Claim No. CU-3709  
Claim No. CU-3734

Decision No. CU-5999

**Under the International Claims Settlement  
Act of 1949, as amended**

Counsel for claimants:

Johnson, Harper, Daniel & Ward  
By Frank M. Eldridge, Esq.

AMENDED PROPOSED DECISION

Under date of October 16, 1970, the Commission issued its Proposed Decision on these claims, certifying losses in favor of SAMUEL VENABLE MASON, CORIBEL ESTES MASON, and for the benefit of Leila Eldridge D'Aiutolo, Thomas Moorman Eldridge, Jr., and Frank M. Eldridge. The claim of THOMAS MOORMAN ELDRIDGE, SR. was denied because the record failed to establish that he was a United States national at all pertinent times. Subsequently, evidence was submitted concerning his United States nationality.

Upon consideration of the new evidence, it is

ORDERED that the Proposed Decision be amended as follows:

The Commission now finds that THOMAS MOORMAN ELDRIDGE, SR. has been a national of the United States since birth; that he inherited from late wife, LEILA VENABLE MASON ELDRIDGE, a 1/2 interest in her property in Cuba in trust, equivalent to a 1/12 interest in "La Ceiba", the property in question; and that the value of his interest in the property on June 30, 1961, the date of loss, was \$8,333.33.

Accordingly, the following certification of loss will be entered in addition to those set forth in the Proposed Decision, and in all other respects the Proposed Decision of December 16, 1970 is affirmed.

CERTIFICATION OF LOSS

The Commission certifies that THE CITIZENS AND SOUTHERN NATIONAL BANK, TRUSTEE UNDER THE WILL OF LILLA VENABLE MASON ELDRIDGE, DECEASED, succeeded to and suffered a loss in the amount of Eight Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents (\$8,333.33) with interest at 6% per annum from June 30, 1961 to the date of settlement, for the sole use and benefit of THOMAS MOORMAN ELDRIDGE, SR.

Dated at Washington, D. C., and entered as the Amended Proposed Decision of the Commission

JAN 20 1971

  
Lyle S. C. Fisk, Chairman

  
Theodore Jaffe, Commissioner

The statute does not provide for the payment of claims against the government of Cuba. Provision is only made for the determination by the commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 31.5(e) and (g), as amended (1970).)

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CORIBEL ESTES MASON,  
THOMAS MOORMAN ELDRIDGE, SR.,  
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Counsel for claimants:

Johnson, Harper, Daniel & Ward  
By Frank M. Eldridge, Esq.

AMENDED PROPOSED DECISION

Under date of October 16, 1970, the Commission issued its Proposed Decision on these claims, certifying losses in favor of SAMUEL VENABLE MASON, CORIBEL ESTES MASON, and for the benefit of Leila Eldridge D'Aiutolo, Thomas Moorman Eldridge, Jr., and Frank M. Eldridge. The claim of THOMAS MOORMAN ELDRIDGE, SR. was denied because the record failed to establish that he was a United States national at all pertinent times. Subsequently, evidence was submitted concerning his United States nationality.

Upon consideration of the new evidence, it is

ORDERED that the Proposed Decision be amended as follows:

The Commission now finds that THOMAS MOORMAN ELDRIDGE, SR. has been a national of the United States since birth; that he inherited from late wife, LEILA VENABLE MASON ELDRIDGE, a 1/2 interest in her property in Cuba in trust, equivalent to a 1/12 interest in "La Ceiba", the property in question; and that the value of his interest in the property on June 30, 1961, the date of loss, was \$8,333.33.

Accordingly, the following certification of loss will be entered in addition to those set forth in the Proposed Decision, and in all other respects the Proposed Decision of December 16, 1970 is affirmed.

CERTIFICATION OF LOSS

The Commission certifies that THE CITIZENS AND SOUTHERN NATIONAL BANK, TRUSTEE UNDER THE WILL OF LEILA VENABLE MASON ELDRIDGE, DECEASED, succeeded to and suffered a loss in the amount of Eight Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents (\$8,333.33) with interest at 6% per annum from June 30, 1961 to the date of settlement, for the sole use and benefit of THOMAS MOORMAN ELDRIDGE, SR.

Dated at Washington, D. C., and entered as the Amended Proposed Decision of the Commission

JAN 20 1971

  
Lyle S. C. Black, Chairman

  
Theodore Jaffe, Commissioner

The statute does not provide for the payment of claims against the government of Cuba. Provision is only made for the determination by the commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 31.5(e) and (g), as amended (1970).)

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CORIBEL ESTES MASON,  
THOMAS MOORMAN ELDRIDGE, SR.,  
and  
THE CITIZENS AND SOUTHERN NATIONAL  
BANK, TRUSTEE UNDER THE WILL OF  
LEILA VENABLE MASON ELDRIDGE, DECEASED

**Under the International Claims Settlement  
Act of 1949, as amended**

Claim No. CU-3638  
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Decision No. CU- **5999**

Counsel for claimants:

Johnson, Harper, Daniel & Ward  
By Frank M. Eldridge, Esq.

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the aggregate amount of \$100,000.00, were presented by SAMUEL VENABLE MASON, CORIBEL ESTES MASON, and by and on behalf of the heirs of Frank Tucker Mason, based upon the loss of real property in Cuba. Proper parties claimant have been substituted. The record shows that the claimants, SAMUEL VENABLE MASON and CORIBEL ESTES MASON, as well as the beneficiaries of the Estate of LEILA VENABLE MASON ELDRIDGE, Deceased, except THOMAS MOORMAN ELDRIDGE, SR., have been nationals of the United States since birth. No evidence has been submitted to establish that THOMAS MOORMAN ELDRIDGE, SR. has been a national of the United States at all pertinent times.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.5(d) (1970).)

Claimants collectively assert the loss of interests aggregating two-thirds of 1,552.6 acres of land on the Isle of Pines, Cuba.

The evidence includes copies of original deeds; a report from abroad; copies of wills and letters testamentary; affidavits from claimants and relatives of the claimants; and contemporary correspondence.

The record establishes that William Mason owned 1,552.6 acres of land on the Isle of Pines, Cuba, known as "La Ceiba". Title to the property was duly registered in his name in the land register at Nueva Gerona, Isle of Pines, Cuba. Upon his death in 1921, one-third of the property was inherited by his widow, Ella Jane Mason, and the two-thirds interest was inherited by his three children, Frank T. Mason, William H. Mason and Fred C. Mason, in equal shares. Subsequent to the death of Ella Jane Mason in 1933, the entire property was owned by said three children in equal shares.

The four claims herein are based on interests inherited from Frank T. Mason and Fred C. Mason, as indicated hereafter. The whereabouts and heirs, if any, of William H. Mason are unknown.

It further appears from the evidence of record that Frank T. Mason died testate on December 9, 1936, and that his widow, Elizabeth Venable Mason, died testate on September 22, 1951. The one-third interest owned by Frank T. Mason, equivalent to 517.53 acres passed in equal shares to his two children, SAMUEL VENABLE MASON and LEILA VENABLE MASON ELDRIDGE (now deceased). Thus, each of these two children inherited an interest equivalent to 258.765 acres of land, or one-sixth of the entire property.

LEILA VENABLE MASON ELDRIDGE died testate on April 9, 1959. Pursuant to her will, a one-half interest in her estate, including the equivalent of 129.3825 acres of land, subject of this claim, was devised in trust for the benefit of her husband, THOMAS MOORMAN ELDRIDGE, SR., and the other one-half interest was devised in trust for the benefit of her three children, Leila Eldridge D'Aiutolo, Thomas Moorman Eldridge, Jr., and Frank M. Eldridge, Esq. Thus, each child acquired in trust a 1/36 interest in the entire property, equivalent to 43.1275 acres of land.

The Commission finds that THOMAS MOORMAN ELDRIDGE, SR. has failed to sustain the burden of proof with respect to his claim in that the record does not establish that he has been a United States national at all pertinent times, a prerequisite to favorable action under Section 504 of the Act, although numerous suggestions were made to him. Accordingly, so much of the claim as was presented in his behalf is denied.

The record further establishes that Fred C. Mason died testate on July 19, 1937, devising his interest to his widow, CORIBEL ESTES MASON.

Claimants assert that "La Ceiba" was taken by the Government of Cuba in October 1959. This statement is apparently based on a report of October 10, 1959 from claimants' agent in Cuba concerning the likelihood of loss of the property. A subsequent report from that agent indicates

that the National Institute of Agrarian Reform (I.N.R.A.) was going to take over "La Ceiba". It further appears that claimants continued to pay taxes on the property through the first part of 1961, the last payment having been due on April 25, 1961.

On the basis of the entire record and in the absence of evidence to the contrary, the Commission finds that "La Ceiba" was taken by the Government of Cuba on June 30, 1961 pursuant to the Agrarian Reform Law.

Claimants assert a loss of \$100,000.00 based upon an offer to purchase "La Ceiba" for that price in August 1957. The record includes a letter from claimants' agent in Cuba, dated June 15, 1957. In that communication, the agent reported that a certain real estate broker in Cuba had a prospective buyer who was willing to pay \$100,000.00 for "La Ceiba".

Based on the foregoing evidence, the Commission finds that the value of "La Ceiba", consisting of 1,552.6 acres of land, including citrus groves and timberland, had a value of \$100,000.00 on June 30, 1961, the date of loss.

Claimants' losses within the scope of Title V of the Act are summarized as follows:

SAMUEL VENABLE MASON - 1/6	\$16,666.66
CORIBEL ESTES MASON - 1/3	33,333.33
THE CITIZENS AND SOUTHERN NATIONAL BANK, Trustee for:	
Leila Eldridge D'Aiutolo - 1/36	2,777.77
Thomas Moorman Eldridge, Jr. - 1/36	2,777.78
Frank M. Eldridge - 1/36	2,777.78

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATIONS OF LOSS

The Commission certifies that SAMUEL VENABLE MASON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Sixteen Thousand Six Hundred Sixty-six Dollars and Sixty-six Cents (\$16,666.66) with interest at 6% per annum from June 30, 1961 to the date of settlement;

The Commission certifies that CORIBEL ESTES MASON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents (\$33,333.33) with interest at 6% per annum from June 30, 1961 to the date of settlement;  
and

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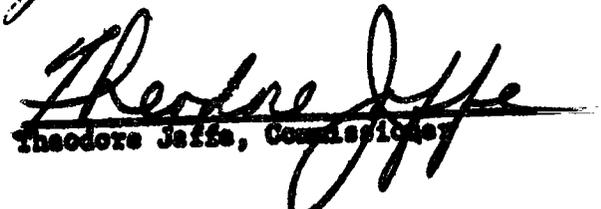
The Commission certifies that THE CITIZENS AND SOUTHERN NATIONAL BANK, TRUSTEE UNDER THE WILL OF LEILA VENABLE MASON ELDRIDGE, DECEASED, succeeded to and suffered a loss in the amount of Eight Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents (\$8,333.33) with interest at 6% per annum from June 30, 1961 to the date of settlement, for the sole use and benefit of the following, in the amounts set forth hereafter:

Leila Eldridge D'Aiutolo	\$2,777.77
Thomas Moorman Eldridge, Jr.	\$2,777.78
Frank M. Eldridge	\$2,777.78

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

**DEC 16 1970**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

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